

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference PD020108	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/12368	International filing date (<i>day/month/year</i>) 06.11.2003	Priority date (<i>day/month/year</i>) 18.11.2002
International Patent Classification (IPC) or both national classification and IPC H04N5/445		
Applicant THOMSON LICENSING S.A. ET AL.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 05.06.2004	Date of completion of this report 14.03.2005
Name and mailing address of the international preliminary examining authority: <div style="display: flex; align-items: center;"> <div> European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016 </div> </div>	Authorized Officer Berwitz, P Telephone No. +31 70 340-3875



PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

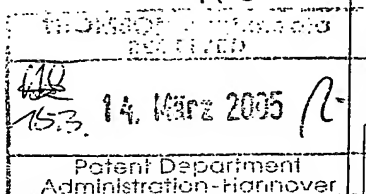
PCT

To:

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NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)



Date of mailing
(day/month/year)

14.03.2005 *IPER /sw*

Applicant's or agent's file reference
PD020108 ✓

IMPORTANT NOTIFICATION

International application No.
PCT/EP 03/12368

International filing date (day/month/year)
06.11.2003

Priority date (day/month/year)
18.11.2002

Applicant
THOMSON LICENSING S.A. ET AL.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international preliminary examining authority:



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP 03/12368

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*):

Description, Pages

1, 2, 4-11 as originally filed
3, 3a filed with telefax on 31.01.2005

Claims, Numbers

1, 2 filed with telefax on 31.01.2005

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1,2
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1,2
Industrial applicability (IA)	Yes: Claims	1,2
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents :

D1 : US 2002/0019989 A1

D2: US 5,500,680

D3 : WO 98/21890 A1

1. **The application does not meet the requirements of Article 6 PCT, because claims 1 and 2 are not clear.**
 - 1.1 In claim 1, page 12, there is a contradiction between respectively lines 22 and 23, and lines 25 to 27. It is not possible to retrieve data which is related to the Character Referencing Data prior to retrieving the said Character Referencing Data.
 - 1.2 At page 12, lines 25 to 29, claim 1 defines a step of retrieving for storage items of Font Describing Data **that are related to corresponding ones of said items of Character Referencing Data**, wherein said Font Describing Data represent pixel data of **referenced** characters.

A similar definition may be found in claim 2, at page 13, lines 25 to 29.

Such definitions imply that only Font Describing Data corresponding to characters which are referred to by the Character Describing Data are loaded in the font memory.

There is found no support in the description for such definitions. In particular, there is found no passage mentioning that Character Describing Data should be received prior to the Font Describing Data, and that the incoming stream of Font Describing Data should be sorted accordingly for storage, specially when a whole font is transmitted (page 7, last paragraph, mode b.1), because it is generally known that a single AV program may not necessitate referencing all font items. Moreover, the use of the term "pre-loading" in this mode b.1 suggests that the Font Describing Data may be

transmitted and stored before the reception of the Character Referencing Data.

According to the paragraph bridging pages 6 and 7, it can be deduced that **all** received Font Describing Data are loaded into the font memory, independently from the Character Describing Data (page 7, first paragraph, the Font Describing Data **cause** ...). The sorting is done when transferring the characters from the font memory to the display memory (page 7, lines 10 to 13).

- 1.3 Furthermore, claims 1 and 2 do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The claims attempt to define the subject-matter in terms of the result to be achieved, which merely amounts to a statement of the underlying problem, without providing the technical features necessary for achieving this result (respectively at page 12, lines 29 to 34, and at page 13, lines 29 to 34, "whereby said video ... provider").

In addition, these passages relate to transmitting features which do not contribute to the definition of a decoding method or apparatus.

2. **The above-mentioned lack of clarity notwithstanding, the subject-matter of claims 1 and 2 does not involve an inventive step in the sense of Article 33(3) PCT, and therefore the criteria of Article 33(1) PCT are not met.**

- 2.1 The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document) :

a method for decoding items of subtitling data, including the steps of :

retrieving (paragraphs [0026] and [0027]) items of character referencing data (paragraph [0030]) that are related to corresponding parts of a video or audio-visual data signal (paragraph [0006]), which data items describe sequences of characters as well as information about where in pictures of said data signal and/or when and/or how to make the referenced characters visible using a display memory (implicit, included in 8, see for example D2, lines 1 to 5);

deriving (paragraph [0030]) from said items of character referencing data items of character selecting information and character positioning information;

reading (paragraph [0027]) from a font memory (12) pixel data of said referenced characters as designated by said items of character selection information;

writing (implicit according to the general knowledge of a skilled person, see for example D2, column 4, lines 12 to 14) said pixel data into said display memory as designated by said items of character positioning information.

- 2.2 The subject-matter of a clarified claim 1 therefore differs from this known method in the following steps :

retrieving for storage items of font describing data representing pixels of character glyphs;

checking whether or not particular items of said font describing data are already stored in said font memory and, if said particular items of said font describing data are not yet stored in said font memory, writing said items of font describing data into said font memory.

- 2.3 The problem to be solved by the present invention may therefore be regarded as providing alternate sets of fonts to a subtitle decoder.

- 2.4 The solution proposed in the present application cannot be considered as involving an inventive step (Article 33(3) PCT) because the method steps of paragraph 2.2 above are described in document D3 as providing the advantages as in the present application (page 10, lines 11 to 21; page 11, line 37, to page 12, line 3). The skilled person would therefore regard it as a normal option to include these features in the method described in document D1 in order to solve the problem posed.

- 2.5 As a consequence, claim 1 and, for obvious similar reasons, claim 2 lack an inventive step.

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4. Further remark :

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D3 is not mentioned in the description, nor is this document identified therein.